

### **REMARKS**

In the preceding Action, the Examiner rejected the pending claims under 35 USC 103 relying on U.S. Patent No. 6,631,247 to Motoyama ("Motoyama") when combined with U.S. Patent No. 5,414,494 to Aikens et al. ("Aikens").

This present Action again rejects the pending claims under Section 103 with Motoyama as the principal reference, but this time substitutes a new reference, U.S. patent No. 6,859,213 to Carter ("Carter") for the Aikens reference. The Examiner argues that Carter teaches selecting data for transmission as an email or as an email attachment. He cites Col. 3, lines 10-23 and 44-59, and Col. 7, lines 57-65.

Applicants respectfully traverse the rejections of claims 1, 4-10, and 33-39 under 35 USC 103 as unpatentable over Motoyama in view of Carter.

The present invention discloses and claims information selection at a remote target device, or devices, where the selection is local at the target device and automatic ("on-going" in the device). The transmission of the information to a managing device is then made either as email data or as an email attachment "in accordance with the selection."

Carter, on the other hand, discloses a method and apparatus that allows the sender of an email to select how to create and send an attachment, not whether to send a message by email or as an attachment to an email. Moreover, the whole thrust of Carter is for a sender to make selections using a graphical user interface (GUI) to interact with the displayed information and buttons.

As stated in Carter at Col. 3, lines 45-47, "[w]hen a sender indicates in an email application ... that an attachment is to be associated with an email message, an attachment chooser window is presented." The sender decides whether to send an attachment. The GUI allows the sender to "choose a currently displayed data resource

for attachment in an email message" after browsing "data resources, such as HTML documents and associated links."

Or, to put the point in different words, in Carter the "sender" performs selection. This is clearly not the case in the present invention as claimed which requires "on-going selection of information being performed by the information selecting portion provided in the device." (Emphasis supplied.)

Furthermore, the sender in the Carter reference is not performing an "on-going" selection, as claimed. Rather, the selection in Carter is made "when a sender expresses a wish to select an attachment" at a time when composition of an email is performed (Carter, column 6, lines 14-16). This is clearly not an "on-going" selection as described and claimed in the present application.

Carter does not operate in the structural environment of the present invention, does not address the same solution, and does not teach or suggest the presently claimed solution.

Nor do Applicants see any teaching, suggestion or motivation to combine Motoyama and Carter. A straightforward combination would require a person controlling every target device by using a GUI to perform a selection on all data for transmission to the managing device. But even with this hypothetical combination there is no teaching, suggestion or motivation that the Carter "sender" at a target device should transmit data as an email or as an attachment to an email.

Applicants therefore urge that Carter does not teach selecting data for transmission as an email or email attachment as claimed, nor does any combination of Motoyama and Carter render the claimed invention "obvious."

The Examiner cites Motoyama, Carter and tertiary references to Wong and Vandreuil to reject claims 34 and 35. Applicants again respond that these tertiary references do not overcome the fundamental problems with the rejection of the

independent claims based on Motoyama, and this time, Carter, as noted above. Claims 34 and 35 should therefore also be allowed.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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